IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

Bail Appl..No. 4034 of 2007()

CRIME NO. 59/07 OF MALAMPUZHA POLICE STATION

PETITIONER/ACCUSED

C.RAVINDRAN, S/O.CHAMIYAR, AGED 43
YEARS, KULATHINGAL HOUSE, KADUKKAMKUNNAM,
PALAKKAD DISTRICT.

BY ADV. SRI.RAJESH SIVARAMANKUTTY

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
S.I. OF POLICE, MALAMPUZHA POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4034 of 2007

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Dated this the 16th day of July, 2007

O R D E R

Application for anticipatory bail. The crux of the contentions raised by the defacto complainant in the F.I. statement lodged by him is that he had deposited an amount of Rs.25,000/- in the finance company run by the petitioner as a Proprietory concern. Inspite of the promise made, amount has not been returned. Crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. It is submitted that he is only a partner of the company. The other partners were running the business. Allegations are raised against the petitioner, who has nothing to do with the actual business. It is only to vex and harass the petitioner the allegations are raised. In these circumstances directions under Section 438 Cr.P.C. may be issued in his favour, submits the counsel.

3. The learned Prosecutor opposes the application. But notwithstanding the opposition, I am satisfied that appropriate directions under Section 438 Cr.P.C. can be issued in favour of the petitioner now.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 24.7.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on his depositing an amount of Rs.10,000/- as cash security and executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 25.7.07 and 26.7.2007 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of one month and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 24.7.07 and the

police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 24.7.2007 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 24.7.2007.

(R. BASANT)
Judge

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